

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room 5A

9:30 AM

8:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Meeting URL: <https://cacb.zoomgov.com/j/1618882991>

Meeting ID: 161 888 2991

Password: 468762

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Smith by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for

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Judge Erithe A. Smith's Cases" on the Court's website at:
<https://www.cacb.uscourts.gov/judges/honorable-erithe-smith> under the
"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these
proceedings, please:

- Connect 10 minutes before your hearing time so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.

Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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10:00 AM

8:18-10135 Harry K. James

Chapter 13

#1.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

DEUTSCHE BANK NATIONAL TRUST COMPANY

VS.

DEBTOR

Docket 60

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 6, 2021

Grant with 4001(a)(3) waiver.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Harry K. James

Represented By
Julie J Villalobos

Movant(s):

Deutsche Bank National Trust

Represented By
Sean C Ferry
Eric P Enciso

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CONT... Harry K. James

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, May 11, 2021

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10:00 AM

8:21-10452 William Andrew Deans

Chapter 7

**#2.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
(RE: 1006 S. Hathaway St Unit D, Santa Ana, CA 92705)**

EASTSIDE DEVELOPMENT, CO.

VS.

DEBTOR

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Grant the Motion with all relief requested therein, except that relief request #9 is denied.

Basis for Tentative Ruling/General Comments

1. Relief request #9 seeks 180-day prospective relief against any debtor, not just the debtor in this case. No grounds for such extraordinary relief have been stated.

2. Debtor has filed a late opposition to the Motion, requesting an order providing for no lockout prior to June 7, 2021. However, Debtor apparently does not realize that the automatic stay in this case expired on March 25, 2021. Bankruptcy Code Section 362(c)(3) provides that if a debtor has had a bankruptcy case pending and dismissed within a year of the current filing, the automatic stay in the current case expires 30 days after the petition was filed. unless the debtor files a motion extending the stay beyond the 30-day limit. Section 362(c)(3)(B) requires that the motion be filed and the hearing

**United States Bankruptcy Court
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CONT...

William Andrew Deans

Chapter 7

on the motion occur before the expiration of the 30 days. Here, Debtor's prior bankruptcy case was dismissed on February 16, 2021, which is within one year of the current case which was filed on February 23, 2021. As Debtor did not file a motion to extend the stay or obtain a hearing date within 30 days, the stay expired as a matter of law on March 25, 2021. The court has no authority to entertain a motion after the 30 days has expired.

3. If Eastside Development is agreeable to allowing Debtor until June 7, 2021 to vacate the premises, Movant can so advise the clerk during the calendar roll call just prior to the commencement of the hearing and the parties will not have to stay for the hearing.

4. The expiration of the automatic stay has no impact upon any applicable moratoriums under federal, state or local laws.

Party Information

Debtor(s):

William Andrew Deans

Pro Se

Movant(s):

Eastside Development, Co.

Represented By
Barry L O'Connor

Trustee(s):

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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10:00 AM

8:21-10452 William Andrew Deans

Chapter 7

**#3.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
(RE: 1004 S. Hathaway St Unit P, Santa Ana, CA 92705)**

EASTSIDE DEVELOPMENT, CO.

VS.

DEBTOR

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Grant the Motion with all relief requested therein, except that relief request #9 is denied.

Basis for Tentative Ruling/General Comments

1. Relief request #9 seeks 180-day prospective relief against any debtor, not just the debtor in this case. No grounds for such extraordinary relief have been stated.

2. Debtor has filed a late opposition to the Motion, requesting an order providing for no lockout prior to June 7, 2021. However, Debtor apparently does not realize that the automatic stay in this case expired on March 25, 2021. Bankruptcy Code Section 362(c)(3) provides that if a debtor has had a bankruptcy case pending and dismissed within a year of the current filing, the automatic stay in the current case expires 30 days after the petition was filed. unless the debtor files a motion extending the stay beyond the 30-day limit. Section 362(c)(3)(B) requires that the motion be filed and the hearing

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CONT...

William Andrew Deans

Chapter 7

on the motion occur before the expiration of the 30 days. Here, Debtor's prior bankruptcy case was dismissed on February 16, 2021, which is within one year of the current case which was filed on February 23, 2021. As Debtor did not file a motion to extend the stay or obtain a hearing date within 30 days, the stay expired as a matter of law on March 25, 2021. The court has no authority to entertain a motion after the 30 days has expired.

3. If Eastside Development is agreeable to allowing Debtor until June 7, 2021 to vacate the premises, Movant can so advise the clerk during the calendar roll call just prior to the commencement of the hearing and the parties will not have to stay for the hearing.

4. The expiration of the automatic stay has no impact upon any applicable moratoriums under federal, state or local laws.

Party Information

Debtor(s):

William Andrew Deans

Pro Se

Movant(s):

Eastside Development, Co.

Represented By
Barry L O'Connor

Trustee(s):

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

8:21-10452 William Andrew Deans

Chapter 7

**#4.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
(RE: 1006 S. Hathaway St Unit E, Santa Ana, CA 92705)**

EASTSIDE DEVELOPMENT, CO.

VS.

DEBTOR

Docket 23

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Grant the Motion with all relief requested therein, except that relief request #9 is denied.

Basis for Tentative Ruling/General Comments

1. Relief request #9 seeks 180-day prospective relief against any debtor, not just the debtor in this case. No grounds for such extraordinary relief have been stated.
2. Debtor has filed a late opposition to the Motion, requesting an order providing for no lockout prior to June 7, 2021. However, Debtor apparently does not realize that the automatic stay in this case expired on March 25, 2021. Bankruptcy Code Section 362(c)(3) provides that if a debtor has had a bankruptcy case pending and dismissed within a year of the current filing, the automatic stay in the current case expires 30 days after the petition was filed. unless the debtor files a motion extending the stay beyond the 30-day limit. Section 362(c)(3)(B) requires that the motion be filed and the hearing

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William Andrew Deans

Chapter 7

on the motion occur before the expiration of the 30 days. Here, Debtor's prior bankruptcy case was dismissed on February 16, 2021, which is within one year of the current case which was filed on February 23, 2021. As Debtor did not file a motion to extend the stay or obtain a hearing date within 30 days, the stay expired as a matter of law on March 25, 2021. The court has no authority to entertain a motion after the 30 days has expired.

3. If Eastside Development is agreeable to allowing Debtor until June 7, 2021 to vacate the premises, Movant can so advise the clerk during the calendar roll call just prior to the commencement of the hearing and the parties will not have to stay for the hearing.

4. The expiration of the automatic stay has no impact upon any applicable moratoriums under federal, state or local laws.

Party Information

Debtor(s):

William Andrew Deans

Pro Se

Movant(s):

Eastside Development, Co.

Represented By
Barry L O'Connor

Trustee(s):

Karen S Naylor (TR)

Pro Se

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8:21-10452 William Andrew Deans

Chapter 7

**#5.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
(RE: 1004 S. Hathaway St Unit C, Santa Ana, CA 92705)**

EASTSIDE DEVELOPMENT, CO.

VS.

DEBTOR

Docket 25

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Grant the Motion with all relief requested therein, except that relief request #9 is denied.

Basis for Tentative Ruling/General Comments

1. Relief request #9 seeks 180-day prospective relief against any debtor, not just the debtor in this case. No grounds for such extraordinary relief have been stated.
2. Debtor has filed a late opposition to the Motion, requesting an order providing for no lockout prior to June 7, 2021. However, Debtor apparently does not realize that the automatic stay in this case expired on March 25, 2021. Bankruptcy Code Section 362(c)(3) provides that if a debtor has had a bankruptcy case pending and dismissed within a year of the current filing, the automatic stay in the current case expires 30 days after the petition was filed. unless the debtor files a motion extending the stay beyond the 30-day limit. Section 362(c)(3)(B) requires that the motion be filed and the hearing

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CONT...

William Andrew Deans

Chapter 7

on the motion occur before the expiration of the 30 days. Here, Debtor's prior bankruptcy case was dismissed on February 16, 2021, which is within one year of the current case which was filed on February 23, 2021. As Debtor did not file a motion to extend the stay or obtain a hearing date within 30 days, the stay expired as a matter of law on March 25, 2021. The court has no authority to entertain a motion after the 30 days has expired.

3. If Eastside Development is agreeable to allowing Debtor until June 7, 2021 to vacate the premises, Movant can so advise the clerk during the calendar roll call just prior to the commencement of the hearing and the parties will not have to stay for the hearing.

4. The expiration of the automatic stay has no impact upon any applicable moratoriums under federal, state or local laws.

Party Information

Debtor(s):

William Andrew Deans

Pro Se

Movant(s):

Eastside Development, Co.

Represented By
Barry L O'Connor

Trustee(s):

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

8:18-13311 Ruby's Diner, Inc., a California corporation

Chapter 7

Adv#: 8:21-01014 Marshack v. Cavanaugh et al

#5.10 CONT'D Hearing RE: Application For Right To Attach Order And For Issuance
Of Writ Of Attachment As To Ralph Kosmides
(Application filed 4/14/2021)

FR: 5-5-21, Ctrm 5C before SC; 5-6-21

Docket 35

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 6, 2021

The court is inclined to grant the Application with a bond of \$10,000; however
Plaintiff will need to address the Exemption Statement.

EVIDENTIARY RULINGS

Plaintiff's Evidentiary Objections to Declaration of Ralph Kosmides

<u>Paragraph #</u>	<u>Ruling</u>
5: 1:25 - 2:2	Sustained
5: 2:3 - 6	Sustained as to "which made it appear ...they had not." Overruled as to the balance
7: 2:14-20	Sustained as to "Hesch reviewed the issues ... and not loans." Overruled as to the balance.
8: 2:21-22	Sustained

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CONT... **Ruby's Diner, Inc., a California corporation** **Chapter 7**

9: 2:23-27 Sustained (Note: Defendant has apparently objected to
the

Marshack authenticity of certain or all of such documents re

Declaration)

10: 3:1-4 Overruled

11 3:5-7 Sustained as to "I have amended . . . to the
Distributions")

FRE 1002

13: 3:10-15 Overruled

Exh. A Sustained

May 11, 2021

*This matter remains under review by the court; a tentative ruling may be
posted at any time prior to the hearing.*

Party Information

Debtor(s):

Ruby's Diner, Inc., a California

Represented By
William N Lobel
Jeffrey P Nolan

Defendant(s):

Douglas Cavanaugh

Represented By
Leo A Bautista

Ralph Kosmides

Represented By
Leo A Bautista

Beachcomber Management Crystal

Pro Se

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CONT... Ruby's Diner, Inc., a California corporation

Chapter 7

Lighthouse Cafe, LLC

Pro Se

Beachcomber at Crystal Cove, LLC

Pro Se

Shake Shack Crystal Cove, LLC

Pro Se

Plaintiff(s):

Richard A. Marshack

Represented By

Christopher Dale Beatty

Trustee(s):

Richard A Marshack (TR)

Represented By

Laila Masud

D Edward Hays

Tinho Mang

**United States Bankruptcy Court
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Tuesday, May 11, 2021

Hearing Room 5A

10:00 AM

8:18-13311 Ruby's Diner, Inc., a California corporation

Chapter 7

Adv#: 8:21-01014 Marshack v. Cavanaugh et al

#5.20 CONT'D Hearing RE: Application For Right To Attach Order And For Issuance
Of Writ Of Attachment As To Douglas Cavanaugh
(Application filed 4/14/2021)

FR: 5-5-21, Ctrm 5C before SC; 5-6-21

Docket 29

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 6, 2021

The court is inclined to grant the Application with a bond of \$10,000; however
Plaintiff will need to address the Exemption Statement.

EVIDENTIARY RULINGS

Defendants' Objection to the Declaration of Richard Marshack

<u>Paragraph #</u>	<u>Ruling</u>
6	Overruled
7	Overruled as to the fact of possession of the subject documents; Sustained as to the truth of their content.
Exhs. A-I;3-11	Overruled as to the fact of possession of the subject documents; Sustained as to the truth of their content or authenticity of the same

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CONT... Ruby's Diner, Inc., a California corporation

Chapter 7

Plaintiff's Evidentiary Objections to Declaration of Douglas S. Cavanaugh

<u>Paragraph #</u>	<u>Ruling</u>
6: 2:3-6	Overruled
7: 2:7-9 Distributions")	Sustained as to "I have amended . . . to the
8: 2:10-11	Overruled
9: 2:12-14	Overruled

May 11, 2021

This matter remains under review by the court; a tentative ruling may be posted at any time prior to the hearing.

Party Information

Debtor(s):

Ruby's Diner, Inc., a California	Represented By
	William N Lobel
	Jeffrey P Nolan

Defendant(s):

Douglas Cavanaugh	Represented By
	Leo A Bautista
Ralph Kosmides	Represented By
	Leo A Bautista
Beachcomber Management Crystal	Pro Se
Lighthouse Cafe, LLC	Pro Se
Beachcomber at Crystal Cove, LLC	Pro Se

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CONT... Ruby's Diner, Inc., a California corporation

Chapter 7

Shake Shack Crystal Cove, LLC

Pro Se

Plaintiff(s):

Richard A. Marshack

Represented By
Christopher Dale Beatty

Trustee(s):

Richard A Marshack (TR)

Represented By
Laila Masud
D Edward Hays
Tinho Mang

**United States Bankruptcy Court
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10:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

#6.00 CON'TD Examination of Judgment Debtor Stephen J. Haythorne RE:
Enforcement of Judgment

FR: 7-16-19; 8-15-19; 10-17-19; 11-21-19; 1-30-20; 4-2-20; 6-11-20; 9-10-20;
11-19-20; 1-14-21; 3-11-21

Docket 128

***** VACATED *** REASON: CONTINUED TO 7/1/2021 AT 10:30 A.M.,
PER ORDER ENTERED 5/4/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Examination Continued to 7/1/2021 at 10:30 a.m., Per
Order Entered 5/4/2021 (XX) - td (5/4/2021)**

Tentative Ruling:

SPECIAL IMPORTANT NOTICE! In order to mitigate the spread of the COVID-19 virus, notice is hereby given that ALL hearings before Judge Smith will be by TELEPHONE APPEARANCE ONLY until further notice. The courtroom will be locked. Any party who wishes to appear must register in advance by contacting CourtCall at (866) 582-6878. It is suggested that parties register with CourtCall at least 30 minutes prior to the hearing. Through September 30, 2020, CourtCall is offering discounted registration for attorneys and free registration for parties without an attorney.

July 16, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 8, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the

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CONT... Stephen J Haythorne

Chapter 7

examination will take place outside the courtroom.

August 15, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

October 17, 2019

Judgment creditor has not sought the issuance of an OSC re contempt. Continue hearing to November 21, 2019 at 10:30 a.m. Any motion for OSC re contempt may be heard on the same date.

November 21, 2019

Judgment creditor to advise the court re the status of this matter. The court notes that judgment creditor has not sought the issuance of an OSC re contempt.

January 30, 2020

Judgment creditor to advise the court re the status of this matter, e.g., production of documents. Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

June 11, 2020

Continue the examination to September 10, 2020 at 10:00 a.m.

Basis for Tentative Ruling

The courthouse remains closed to in-person court appearances and on-site

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CONT... Stephen J Haythorne

Chapter 7

in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse, including by video conference, prior to September 10, 2020. Depending on the status of pandemic-related rules and policies in place on September 1, 2020, the September 10, 2020 hearing may be further continued.

Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.

September 10, 2020

Continue the examination to November 19, 2020 at 10:00 a.m. (XX)

Basis for Tentative Ruling

The courthouse is currently closed to in-person court appearances and on-site in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse, including by video conference, prior to November 19, 2020. Depending on the status of pandemic-related rules and policies in place on November 19, 2020, the examination may be further continued.

Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.

Party Information

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CONT... Stephen J Haythorne

Chapter 7

Debtor(s):

Stephen J Haythorne

Represented By
David S Henshaw

Defendant(s):

Stephen J Haythorne

Pro Se

Plaintiff(s):

Hugh C Damon

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

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8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

#7.00 CON'TD Examination of Judgment Debtor/Third Person Kelli R. Haythorne RE:
Enforcement of Judgment

FR: 7-16-19; 8-15-19; 10-17-19; 11-21-19; 1-30-20; 4-2-20; 6-11-20; 9-10-20;
11-19-20; 1-14-21; 3-11-21

Docket 130

***** VACATED *** REASON: CONTINUED TO 7/1/2021 AT 10:30 A.M.,
PER ORDER ENTERED 5/4/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Examination Continued to 7/1/2021 at 10:30 a.m., Per
Order Entered 5/4/2021 (XX) - td (5/4/2021)**

Tentative Ruling:

SPECIAL IMPORTANT NOTICE! In order to mitigate the spread of the COVID-19 virus, notice is hereby given that ALL hearings before Judge Smith will be by TELEPHONE APPEARANCE ONLY until further notice. The courtroom will be locked. Any party who wishes to appear must register in advance by contacting CourtCall at (866) 582-6878. It is suggested that parties register with CourtCall at least 30 minutes prior to the hearing. Through September 30, 2020, CourtCall is offering discounted registration for attorneys and free registration for parties without an attorney.

July 16, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 8, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the

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CONT... Stephen J Haythorne

Chapter 7

examination will take place outside the courtroom.

August 15, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

October 17, 2019

Judgment creditor has not sought the issuance of an OSC re contempt. Continue hearing to November 21, 2019 at 10:30 a.m. Any motion for OSC re contempt may be heard on the same date.

November 21, 2019

Judgment creditor to advise the court re the status of this matter. The court notes that judgment creditor has not sought the issuance of an OSC re contempt.

January 30, 2020

Judgment creditor to advise the court re the status of this matter, e.g., production of documents. Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom (no doctor's note was filed by January 16, 2020 excusing her appearance).

June 4, 2020

Continue the examination to September 10, 2020 at 10:00 a.m.

Basis for Tentative Ruling

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CONT... Stephen J Haythorne

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The courthouse remains closed to in-person court appearances and on-site in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse, including by video conference, prior to September 10, 2020. Depending on the status of pandemic-related rules and policies in place on September 1, 2020, the September 10, 2020 hearing may be further continued.

Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.

September 10, 2020

Continue the examination to November 19, 2020 at 10:00 a.m. (XX)

Basis for Tentative Ruling

The courthouse is currently closed to in-person court appearances and on-site in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse, including by video conference, prior to November 19, 2020. Depending on the status of pandemic-related rules and policies in place on November 19, 2020, the examination may be further continued.

Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.

Party Information

Debtor(s):

Stephen J Haythorne

Represented By
David S Henshaw

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CONT... Stephen J Haythorne

Chapter 7

Defendant(s):

Stephen J Haythorne

Pro Se

Plaintiff(s):

Hugh C Damon

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#8.00 Hearing RE: Trustee's Motion to Approve to Amendment Settlement Agreement and Release of State Court Action and to Clarify Global Settlement Order

Docket 577

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Grant the Motion.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang
Stefan Perovich

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#9.00 Hearing RE: Trustee's Motion to Clarify Terms of the Orders Granting Trustee's Motions Authorizing Sale (A) Outside the Ordinary Course of Business; (B) Free and Clear of Liens; Claims; and Encumbrances; (C) Subject to Overbid; (D) For Determination of Good Faith Purchaser Under 11 U.S.C. Section 363(M); (E) Authorizing the Assumption and Assignment of Leases Pursuant to 11 U.S.C. Section 365; and (F) Authorizing the Assignment of the Admiral Insurance Policy, Current Insurance Policies and Rent Reduction and Release Agreements

Docket 580

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Grant the Motion.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

10:30 AM

CONT...

Friendly Village MHP Associates LP

Chapter 7

Tinho Mang

Stefan Perovich

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#10.00 Hearing RE: Trustee's Motion to Approve Two Compromises of Controversies with: (1) Shaoul J. Levy, Levy Affiliated Holdings, LLC, Levy Friendly Village, LLC, 5450 Paramount LP, and 5450 Paramount LLC; (2) Sanford Michelman and Michelman and Robinson, LLP

Docket 583

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Grant the Motion.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang
Stefan Perovich

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

10:30 AM

CONT... Friendly Village MHP Associates LP

Chapter 7

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#11.00 Hearing RE: Trustee's Motion to Approve to Amendment Settlement Agreement and Release of State Court Action and to Clarify Global Settlement Order

Docket 284

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Grant the Motion.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Friendly Village GP, LLC

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#12.00 Hearing RE: Trustee's Motion to Clarify Terms of the Orders Granting Trustee's Motions Authorizing Sale (A) Outside the Ordinary Course of Business; (B) Free and Clear of Liens, Claims, and Encumbrances; (C) Subject to Overbid; (D) For Determination of Good Faith Purchaser Under 11 U.S.C. Section 363(M); (E) Authorizing the Assumption and Assignment of Leases Pursuant to 11 U.S.C. Section 365; and (F) Authorizing the Assignment of the Admiral Insurance Policy, Current Insurance Policies and Rent Reduction and Release Agreements

Docket 287

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Grant the Motion.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Friendly Village GP, LLC

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#13.00 Hearing RE: Trustee's Motion to Approve Two Compromises of Controversies with: (1) Shaoul J. Levy, Levy Affiliated Holdings, LLC, Levy Friendly Village, LLC, 5450 Paramount LP, and 5450 Paramount LLC; (2) Sanford Michelman and Michelman and Robinson, LLP

Docket 290

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Grant the Motion.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Friendly Village GP, LLC

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

10:30 AM

8:18-14221 Taylor Tech Inc.

Chapter 7

#14.00 CONT Hearing RE: Trustee's Final Report and Application for Final Fees and Expenses

[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]

FR: 4-8-21

Docket 131

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Taylor Tech Inc.

Represented By
Anthony A Friedman

Trustee(s):

Weneta M.A. Kosmala (TR)

Represented By
Beth Gaschen
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

10:30 AM

8:18-14221 Taylor Tech Inc.

Chapter 7

#15.00 CONT Hearing RE: First and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses of Counsel for the Chapter 7 Trustee

**[WEILAND GOLDEN GOODRICH LLP, ATTORNEYS FOR CHAPTER 7
TRUSTEE WENETA M.A. KOSMALA]**

FR: 4-8-21

Docket 124

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Taylor Tech Inc.

Represented By
Anthony A Friedman

Trustee(s):

Weneta M.A. Kosmala (TR)

Represented By
Beth Gaschen
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room 5A

10:30 AM

8:18-14221 Taylor Tech Inc.

Chapter 7

#16.00 CONT Hearing RE: First and Final Fee Application of Hahn Fife & Company for Allowance of Fees and Expenses from February 7, 2019 through October 22, 2020

[HAHN FIFE & COMPANY, LLP, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]

FR: 4-8-21

Docket 126

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Taylor Tech Inc.

Represented By
Anthony A Friedman

Trustee(s):

Weneta M.A. Kosmala (TR)

Represented By
Beth Gaschen
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room 5A

10:30 AM

8:18-14221 Taylor Tech Inc.

Chapter 7

#17.00 CONT Hearing RE: Application for Payment of First and Final Fees and/or Expenses

[INDEPENDENT MANAGEMENT SERVICES, TRUSTEE FIELD REPRESENTATIVE]

FR: 4-8-21

Docket 125

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Taylor Tech Inc.

Represented By
Anthony A Friedman

Trustee(s):

Weneta M.A. Kosmala (TR)

Represented By
Beth Gaschen
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

10:30 AM

8:18-14221 Taylor Tech Inc.

Chapter 7

#18.00 Hearing RE: First and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses of Financial Advisor to the Chapter 7 Trustee

[FORCE TEN PARTNERS, LLC, FINANCIAL ADVISOR TO THE CHAPTER 7 TRUSTEE]

Docket 138

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Taylor Tech Inc.

Represented By
Anthony A Friedman

Trustee(s):

Weneta M.A. Kosmala (TR)

Represented By
Beth Gaschen
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

10:30 AM

8:20-13201 American Sterling Corporation

Chapter 11

#19.00 Hearing RE: Debtor and Debtor-in-Possession's Motion for (1) Authorization to Sell Estate's Residual Interests or Film Rights, in the Annihilation of Fish and Dark Matter, as is Where is, Free and Clear of Any Liens, Claims or Encumbrances, Subject to Overbid, and (2) Approval of Overbidding Procedures

Docket 48

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Grant the Motion in its entirety.

Basis for Tentative Ruling:

No party submitted an overbid by or before the April 27, 2021 deadline.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

American Sterling Corporation

Represented By
Nanette D Sanders

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

10:30 AM

8:21-10779 Mehr Group of Companies Holding Inc.

Chapter 11

#20.00 Hearing RE: Motion Seeking Relief Under 11 U.S.C. Section 365(d)(3)(A) and (B) For Entry of Order Extending Time for Performance of Obligations Arising Under Unexpired Non-Residential Real Property Leases

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Deny Motion.

Basis for Tentative Ruling

1. Debtor has failed to file any evidence in support of the Motion as required by LBR 9013-1(c)(3). No declaration or documentary evidence is attached to the Motion. Though Debtor makes a reference to projections filed early in the case [docket 12], the projections do not jibe with the MOR filed for the period ending March 31, 2021 [docket #32] which shows no receipts whatsoever. The failure to file supporting evidence alone is sufficient ground for denying the Motion irrespective of the other grounds stated by the objecting landlords.

2. As pointed out by objecting parties, Debtor has not, and apparently cannot, satisfy the relief from forfeiture requirement of CCP 1179. That being the case, the leases expired prepetition and cannot be assumed. Section 365(d)(3)(B) does not change that circumstance.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

10:30 AM

CONT... Mehr Group of Companies Holding Inc.

Chapter 11

Debtor(s):

Mehr Group of Companies Holding

Represented By

Andy C Warshaw

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

10:30 AM

8:21-10779 Mehr Group of Companies Holding Inc.

Chapter 11

#21.00 Hearing RE: PCH Restaurant & Marina, LLC's Motion to Compel Rejection of Terminated Nonresidential Lease

Docket 26

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Grant Motion for the reasons stated in the Motion and Reply, which the court adopts by reference herein.

Party Information

Debtor(s):

Mehr Group of Companies Holding

Represented By
Andy C Warshaw

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

10:30 AM

8:21-10779 Mehr Group of Companies Holding Inc.

Chapter 11

#22.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
PCH RESTAURANT & MARINA, LLC
VS.
DEBTOR

Docket 28

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Grant Motion for the reasons stated in the Motion and Reply, which the court adopts by reference herein.

Party Information

Debtor(s):

Mehr Group of Companies Holding

Represented By
Andy C Warshaw

Movant(s):

PCH Restaurant & Marina, LLC

Represented By
Ryan D O'Dea

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

10:30 AM

8:21-10779 Mehr Group of Companies Holding Inc.

Chapter 11

#23.00 STATUS CONFERENCE Hearing on Status of Subchapter V Case; (2) Requiring Report on Status of Subchapter V Case by Debtor and Subchapter V Trustee; and (3) Requiring Subchapter V Trustee to Appear at the Status Conference

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

No tentative ruling; disposition will depend on outcome of other matters on today's calendar.

Party Information

Debtor(s):

Mehr Group of Companies Holding

Represented By
Andy C Warshaw

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

10:30 AM

8:21-10958 Plamex Investment, LLC

Chapter 11

#24.00 FINAL Hearing RE: Debtor's Emergency Motion for Entry of an Interim Order,
Pending a Final Hearing, Authorizing the Debtor to Use Cash Collateral

FR: 4/16/21

Docket 6

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 11, 2021

Grant motion on final basis on terms set forth in the signed cash collateral stipulation.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Plamex Investment, LLC

Represented By
Ron Bender
Juliet Y Oh
Monica Y Kim

Movant(s):

Plamex Investment, LLC

Represented By
Ron Bender
Juliet Y Oh
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

2:00 PM

8:20-11898 Louis Sandoval

Chapter 7

Adv#: 8:20-01110 Myers v. Sandoval

#25.00 Hearing RE: Motion of Defendant Louis Sandoval to Dismiss Complaint of Charlotte Cysner Myers as to All Causes of Action

Docket 25

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Louis Sandoval

Represented By
Steven B Lever

Defendant(s):

Louis Sandoval

Represented By
Steven B Lever

Plaintiff(s):

Charlotte Cysner Myers

Pro Se

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

2:00 PM

8:20-11898 Louis Sandoval

Chapter 7

Adv#: 8:20-01110 Myers v. Sandoval

#26.00 CON'TD Hearing RE: Plaintiff's Motion for Default Judgment Under LBR 7055-1

FR: 4-15-21

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 15, 2021

Continue this hearing to May 11, 2021 at 2:00 p.m., same date and time as the hearing on Defendant's motion to dismiss the adversary so that all matters can be heard in the same hearing. (XX)

Note: No appearances for the April 15, 2021 hearing are required.

Party Information

Debtor(s):

Louis Sandoval

Represented By
Steven B Lever

Defendant(s):

Louis Sandoval

Pro Se

Plaintiff(s):

Charlotte Cysner Myers

Pro Se

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

2:00 PM

8:20-11898 Louis Sandoval

Chapter 7

Adv#: 8:20-01110 Myers v. Sandoval

#27.00 CON'TD STATUS CONFERENCE RE: Complaint to Object to Debtor's Discharge and Complaint to Determine Non-Dischargeability of Debt Under Section 523(A) (2) of The Bankruptcy Code and For Denial of Discharge Under Section 727(A)(4) of The Bankruptcy Code
(Another Summons Issued 10/30/2020)

FR: 1-14-21; 4-15-21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 14, 2021

No answer or other response to the Complaint has been filed by the defendant, Louis Sandoval. Accordingly, this Status Conference will be continued to April 15, 2021 at 9:30 a.m. to allow Plaintiff to file a motion for entry of a default judgment against the defendant which provides evidence to support the required elements of fraud under Bankruptcy Code Section 523(a)(2)(A). (XX)

Special Note:

A motion for default judgment may self-calendared for the same date/time as the continued Status Conference date. Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d). If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 11, 2021

Hearing Room

5A

2:00 PM

CONT... Louis Sandoval

Chapter 7

Conference for failure to prosecute.

The court strongly suggests that Plaintiff seek legal counsel regarding the preparation of a motion for default judgment.

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at today's hearing is not required; Plaintiff to serve the defendant by mail with notice of the continued hearing date/time.

April 15, 2021

Continue this hearing to May 11, 2021 at 2:00 p.m., same date and time as the hearing on Defendant's motion to dismiss the adversary so that all matters can be heard in the same hearing. (XX)

Note: No appearances for the April 15, 2021 hearing are required.

Party Information

Debtor(s):

Louis Sandoval

Represented By
Steven B Lever

Defendant(s):

Louis Sandoval

Pro Se

Plaintiff(s):

Charlotte Cysner Myers

Pro Se

Trustee(s):

Weneta M Kosmala (TR)

Pro Se